



TDTD 10465.1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Kevin D. Horner-Richardson, David A. Small and Jesse A. Roberts
Serial No. 09/821,868
Filed March 30, 2001
Confirmation No. 9294

For **PLASMA ARC TORCH AND METHOD FOR IMPROVED LIFE OF PLASMA ARC
TORCH CONSUMABLE PARTS**

**SUPPLEMENTAL DECLARATION OF FACTS IN SUPPORT OF
FILING ON BEHALF OF NON-SIGNING INVENTOR (37 CFR 1.47)**

This supplemental declaration is made as to additional facts which are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney (hereinafter referred to as the "Declaration") by the non-signing inventor David A. Small in the above-identified patent application.

This declaration is being made by a person having first-hand knowledge of the facts recited herein.

IDENTIFICATION OF PERSON MAKING THIS DECLARATION OF FACTS

Name of declarant:

Kevin D. Horner-Richardson

Address of declarant:

Thermal Dynamics Corporation

Industrial Park #2

West Lebanon, New Hampshire 03784

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LAST KNOWN ADDRESS OF THE OMITTED INVENTOR

Full name of omitted inventor:

David A. Small

Last known address of omitted inventor:

P.O. Box 128
Sharon, Vermont 05065

Last known telephone number of omitted inventor:

802-765-4498

Last known E-mail address of omitted inventor:

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**DETAILS OF REFUSAL OF OMITTED INVENTOR TO
SIGN APPLICATION PAPERS**

I previously executed a Declaration of Facts submitted with a Petition Under Rule 1.47(a) filed October 10, 2001 in the above-identified application. In addition to the facts provided in my prior Declaration of Facts, I further state the following.

On February 1, 2002, I sent a letter to Mr. Small, via certified mail with receipt requested, with a copy of the above-identified application as filed, including specification, claims and drawings, along with a DECLARATION AND POWER OF ATTORNEY and a request that he review the application and execute the Declaration. The letter stated that if I heard no response from him by February 19, 2002, I would assume that he was refusing to execute the Declaration. A copy of the letter is attached hereto along with a copy of the certified mail receipt signed by Mr. Small on February 9, 2001. As of the date of execution of this Supplemental Declaration of Facts, Mr. Small has failed to respond to my letter of February 1, 2001 or to execute the DECLARATION AND POWER OF ATTORNEY.

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My letter of February 1, 2001 constitutes the fifth communication, be it by electronic mail or certified mail, that I have sent to Mr. Small since August 30, 2001 and Mr. Small has failed to respond to any of these communications.

The Declaration of Facts submitted previously with the Petition of October 10, 2001 and this Supplemental Declaration of Facts together demonstrate that I made a bona fide attempt to present the application papers and DECLARATION AND POWER OF ATTORNEY to Mr. Small for his execution thereof and that Mr. Small has refused to sign the DECLARATION.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2/22/02

Kevin D. Homer-Richardson
Kevin D. Homer-Richardson

*Attachments